

In re application of  
Ronald M. Evans et al.  
Application No.: 09/773,041  
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Atty. Dkt. No. 033123-005  
SALK1120-1.1  
(088802-0274)

#### REMARKS

By the present communication, all pending claims in this reissue application have been cancelled, thereby rendering moot all rejections and terminating this reissue.

So that the record is clear, Applicants respectfully traverse all rejections asserted in the Office Action dated March 18, 2004. Moreover, in view of the Examiner's assertion that the "reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based" (See page 2, lines 10-12 of the Office Action), it is submitted that prosecution of this reissue application should never have commenced.

In addition, since this reissue application was filed in conjunction with issues raised during Interference No. 104,583, which has now concluded, further prosecution of this Application would represent an unwarranted drain on PTO resources.

Accordingly, Applicants hereby expressly abandon the above-identified application in favor of the originally issued patent.

In view of the above Amendments and Remarks, termination of this reissue proceeding is respectfully requested.

Respectfully submitted,

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